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Attorneys for Defendants  
DEVICEVM, INC. a Delaware corporation, and  
BENEDICT CHONG, an individual

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

PHOENIX TECHNOLOGIES, LTD., a  
Delaware corporation,

Plaintiff,

v.

DEVICEVM, Inc., a Delaware corporation,  
and BENEDICT CHONG, an individual,

Defendants.

DEVICEVM, Inc., a Delaware corporation,

Counterclaimant,

v.

PHOENIX TECHNOLOGIES LTD., a  
Delaware corporation,

Counterclaim-defendant.

CASE NO. C 09-04697-CW (EDL)

**THIRD JOINT STIPULATION AND  
[PROPOSED] ORDER CONTINUING THE  
BRIEFING SCHEDULE REGARDING  
DEFENDANTS' MOTION FOR  
PROTECTIVE ORDER BASED ON  
CAL. CIV. PROC. CODE § 2019.210  
AS MODIFIED**

Judge: Hon. Elizabeth D. Laporte

Hearing Date: Feb. 9, 2010

**STIPULATION**

WHEREAS, on December 21, 2009, Defendant/Counterclaimant DeviceVM, Inc. and Defendant Benedict Chong (collectively, “Defendants”) filed a Motion for Protective Order Based on Cal. Civ. Proc. Code § 2019.210 (“Motion”) (Doc. No. 41);

WHEREAS, at the request of Plaintiff Phoenix Technologies Ltd. (“Plaintiff”), on January 5, 2010, Defendants stipulated to an extension of the deadline for Plaintiff to oppose the Motion to January 19, 2010 (Doc. No. 58).

WHEREAS, on January 19, 2010, Plaintiff filed an opposition to the Motion (Doc. No. 64) and served Defendants with an Amended Statement of Trade Secrets, accompanied by fifty-five documents totaling 984 pages (*see* Doc. No. 64 p. 3, n. 2);

WHEREAS, the parties have agreed to a further continuance of the briefing schedule for the Motion to provide adequate time for Defendants and their expert to review the Amended Statement of Trade Secrets and accompanying documents;

WHEREAS, Defendants’ review of these documents is necessary to determine whether Defendants have any objection to Plaintiff’s Amended Statement of Trade Secrets under Cal. Civ. Proc. Code § 2019.210, or if the Motion is now moot;

ACCORDINGLY, the parties, by and through their undersigned counsel, HEREBY STIPULATE to continue the Motion briefing schedule as follows:

- The last court day for Defendants to file a reply in support of the Motion is continued from January 26, 2010 to February 2, 2010.
- The hearing date on the Motion shall remain February 9, 2010.

**IT IS SO STIPULATED.**

1  
2 Dated: January 21, 2010

STEPHEN J. AKERLEY  
ERIC J. AMDURSKY  
PETER T. SNOW  
JILLIAN R. WEADER

O'MELVENY & MYERS LLP

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6  
7 By: \_\_\_\_\_ /s/  
Peter T. Snow  
Attorneys for Defendants  
8 DeviceVM, Inc. and Benedict Chong

9  
10 Dated: January 21, 2010

KARINEH KHACHATOURIAN  
BRYAN J. SINCLAIR

11 K&L GATES LLP

12  
13 By: \_\_\_\_\_ /s/  
14 Bryan Sinclair  
Attorneys for Plaintiff  
15 Phoenix Technologies Ltd.

16  
17 **ATTESTATION**

18 I, Peter T. Snow, am the ECF User whose ID and password are being used to file this Joint  
19 Stipulation and [Proposed] Order that Motion to Dismiss Counterclaim for Tortious Interference  
20 Is Now Moot. In compliance with General Order 45. X.B., I hereby attest that Bryan Sinclair has  
21 concurred in this filing.

22 Dated: January 21, 2010

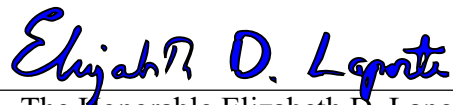
O'MELVENY & MYERS LLP

23 By: \_\_\_\_\_ /s/  
24 Peter T. Snow  
Attorneys for Defendants  
25 DeviceVM, Inc. and Benedict Chong

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

The hearing date for the Motion is continued to February 16, 2010 at 9:00 a.m.

Dated: January 22, 2010

By:   
The Honorable Elizabeth D. Laporte  
United States Magistrate Judge